

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TONY CACCAVALE, ANTHONY MANGELLI,
DOUGLAS SORBIE, and JAMES BILLUPS,
individually and on behalf of all others similarly
situated,

Case No. 20-cv-00974
(GRB)(AKT)

Plaintiffs,

- against -

UNISYS CORPORATION,

Defendants.

COURT AUTHORIZED NOTICE OF LAWSUIT

If you were employed by UNISYS CORPORATION as a FIELD SERVICE ENGINEER in the State of New York, you have the opportunity to join a collective action.

*This is a court authorized Notice. This is not a solicitation from a lawyer.
This Notice contains information that affects your rights. Please read this Notice in its entirety.*

- In this lawsuit, Douglas Sorbie (“Plaintiff”), a current employee of Unisys Corporation (“Unisys”), asserts that a portion of his overtime wages were not paid promptly in violation of the Fair Labor Standards Act (“FLSA”).
- This notice only concerns the federal Fair Labor Standards Act claim asserted by Plaintiff against Unisys.
- The FLSA claim has been conditionally-certified by the Court as a collective action on behalf of all Field Service Engineers who work or have worked for Unisys in the State of New York at any time since December 17, 2017 to the present.
- Unisys denies any wrongdoing or violation of the FLSA, and maintains that it paid Plaintiff Sorbie and all Field Service Engineers properly under the law.
- The Court has authorized that notice of Plaintiff Sorbie’s FLSA claim be sent to Field Service Engineers as described above during the relevant time period of this lawsuit. The Court has not decided whether Unisys did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights may be affected, and you have a choice to make now... .

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	<p>If you wish to be included, you must legibly complete and mail, fax, or email the form at the end of this Notice on or before _____.</p> <p>If you mail, fax, or email the form at the end of this Notice, you keep the possibility of getting money that may come from this lawsuit, but you give up any rights to separately sue Unisys for federal claims of untimely payment of overtime, and will be subject to certain obligations as part of this lawsuit.</p>
DO NOTHING	<p>By doing nothing, you will not be included in this collective action. This means that you give up the possibility of getting money that may come from a trial or settlement in this lawsuit if Plaintiff Sorbie is successful.</p>

1. Why Did I Get This Notice

You are getting this notice because records show that you worked as a Field Service Engineer for Unisys in the State of New York at some time on or after December 17, 2017. The federal court in the Eastern District of New York has authorized this Notice. The court has taken no position regarding the merits of the Plaintiff's claims or Defendant's defenses.

2. What Is Plaintiff Sorbie's Claim in this lawsuit?

Plaintiff Sorbie claims that Defendant Unisys did not promptly pay a portion of his overtime wages pursuant to the FLSA. Plaintiff Sorbie is not claiming that he was not paid for all hours worked.

3. How has Unisys responded?

Unisys strongly denies that it violated federal overtime law.

4. Has the Court decided who is right?

The Court has not decided whether the Plaintiff or Unisys is correct. By approving the dissemination of this Notice, the Court is not suggesting that Plaintiff will win or lose the case.

5. What is a collective action?

In a collective action lawsuit, one or more persons who have similar claims can bring a lawsuit on behalf of other employees. The Court resolves the claims for everyone who decides to join the collective.

6. What is the Plaintiff asking for?

Plaintiff Sorbie is suing for liquidated damages equal to the portion of overtime wages that were not paid promptly. Plaintiff also is seeking recovery of attorneys' fees and costs.

7. Can I join this lawsuit?

To be eligible to join this lawsuit, you must work or have worked for Unisys as a Field Service Engineer in the State of New York at any time on or after December 17, 2017.

8. What happens if I join this lawsuit?

If you join this lawsuit, you will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. If there is a favorable resolution or judgement, either by settlement or judgment, you will be entitled to some portion of the recovery assuming you are not excluded therefrom.

If you join this lawsuit, you agree to have Plaintiff and his counsel, The Moser Law Firm, P.C., to act as your representative and make decisions on your behalf concerning the case, including approving any settlement. Decisions made and agreements entered into by Plaintiff Sorbie and his counsel will be binding on you if you join this lawsuit, subject only to the Court's discretion.

If you join this lawsuit, while it is pending, you may be required to participate in the process known as pre-trial discovery, which may involve answering questions under oath, orally or in writing, you may also be required to produce certain documents.

9. What happens if I do nothing at all?

You are not obligated to join this lawsuit. If you choose not to join this lawsuit, you will not be entitled to share any amounts recovered by Plaintiff as part of this lawsuit. You will not be affected by any ruling, judgment or settlement rendered in this case, whether favorable or unfavorable. You also will be free to independently retain your own counsel and file your own individual lawsuit, subject to any defenses that might be asserted. **You should be aware that your federal wage and hour claims are limited by a two or three-year statute of limitations, and delay in joining this action, or proceeding separately, may result in some or all of your claims expiring as a matter of law.**

10. Can Anyone retaliate against me if I join the lawsuit?

No. It is a violation of federal law for Unisys to fire, discipline, or in any manner discriminate or retaliate against you for joining this case.

11. How do I ask to be included in the case?

Enclosed is a form called “Consent to join.” If you choose to join, it is extremely important that you read, sign and promptly return the Consent to Join Form.

If you do wish to join this lawsuit, an addressed stamped envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent by mail, fax, or email to Plaintiff’s Counsel as follows:

MOSER LAW FIRM, P.C.
Attn: Unisys Collective
5 E. Main Street
Huntington, New York 11743

Fax: 631-824-0200
Email: admin@moserlawfirm.com

The signed Consent to Join form must be postmarked, emailed, or faxed by [60 days after mailing of original Notice, or 30 days after re-mailing of Notice, whichever is later]. If your signed Consent to Join Form is not postmarked, emailed, or faxed by [60 days after mailing of original Notice, or 30 days after re-mailing of Notice, whichever is later], you will not participate in this lawsuit.

If you have questions about any information in this Notice, you may contact the Moser Law Firm.

12. Do I have a lawyer in this case?

If you choose to join this lawsuit then your attorneys will be:

Steven J. Moser, Esq.
Paul Pagano, Esq.
MOSER LAW FIRM, P.C.
5 E. Main Street
Huntington, NY 11743
(516) 671-1150

13. How will the lawyers be paid?

Plaintiff Sorbie has entered into a contingency fee agreement with Plaintiff's counsel, which means that if you choose to be represented by Plaintiff's counsel, and do not win, there will be no attorneys' fees or costs chargeable to you. Under the fee agreement, in the event there is a recovery, Plaintiff's counsel will receive a percentage of any settlement obtained or money judgment entered in favor of all members of the class. The Court may also be asked to determine the amount of fees. The fees may be part of a settlement obtained or money judgment entered in favor of Plaintiff, or may be ordered by the Court to be separately paid by the Defendant, or may be a combination of the two. A copy of the contingency fee agreement executed by the named Plaintiff may be obtained upon request from Plaintiff's counsel identified above.

14. Should I get my own lawyer?

If you choose to join this lawsuit you may obtain your own lawyer or choose to be represented by Plaintiff's counsel.

15. Who is representing Unisys in this matter?

Unisys is represented by the following counsel in this matter:

Kenneth W. DiGia
Jeffrey H. Ruzal
Epstein Becker & Green, P.C.
875 Third Avenue
New York, New York 10022
(212) 351-4500
kdigia@ebglaw.com
jruzal@ebglaw.com

16. Further Information

You can obtain more information in the following ways:

1. You may examine the Court file in this case, in person, at the U.S. Courthouse, 100 Federal Plaza, Central Islip, NY 11722. The case number is 20-cv-00974.
2. You may call Plaintiff's counsel, Steven J. Moser or Paul Pagano at 516-671-1150 or reach them via email at steven.moser@moserlawfirm.com or paul.pagano@moserlawfirm.com.

PLEASE DO NOT WRITE OR CALL THE COURT ABOUT THIS NOTICE